

**REMARKS/ARGUMENTS**

The claims are not modified in the amendment. Therefore, claims 1-3, 5-9, 11-18, and 20 are present for examination. Claims 1, 7, and 13 are the independent claims.

**35 U.S.C. §102 Rejection, Voit et al.**

The Office Action has rejected claims 1-3, 5-7, 9, 11-13, 15, 17, 18, and 20 under 35 U.S.C. §102(e) as being anticipated by the cited portions of U.S. Patent No. 6,870,827 to Voit et al. (hereinafter "Voit"). Applicant respectfully traverses the rejection, and requests reconsideration. The present invention contains limitations which are not taught or suggested in the cited portions of Voit relied on by the Office.

Specifically, the Voit reference fails to teach or suggest the (1) selecting, (2) determining, (3) or choosing among a plurality of compatible personal communication modes described in the present claims. It is respectfully believed that the following comments will clarify these distinctions.

1. Voit Reference: The Voit reference teaches a method of "*routing voice calls*" alternatively between the PSTN and a data packet network (Voit, Col. 4, lines 1-6). Voit describes a system for *voice calls*, once they have entered the network, to be routed over a data packet network (instead of the PSTN) if a minimum quality of service threshold is met. This voice call routing is fundamentally different than the limitations of the present invention. The system of Voit assumes a *voice telephone call* on both ends, and directs how the call will be routed within the network based on quality of service minimums and customer choices (*Id.*, Col. 9, lines 18-25).

2. Present Invention: The present invention calls for a different determination, in that it requires the (1) selecting, (2) determining, (3) and choosing among a plurality of personal communication modes. Specifically in the claims, these "personal communication modes" are "associated with the originating end" and the "terminating end" of a "communication system." Specific examples of communication modes were given in the Application, including facsimile,

voice mail, email, and alpha-numeric pager (Original Application, page 13, lines 3-16). The routing of voice calls *within* a system, as called for in Voit, is fundamentally different from (1) selecting, (2) determining, (3) and choosing among a plurality of compatible personal communication modes associated with the ends of a communication system.

The claims themselves further illustrate this distinction. Claim 1, 7, and 13 each specifically set forth a "communication transport method," which is directed to transport methods *within* the network. This is clearly distinct and separate from the "personal communication modes" set forth elsewhere in the claims.

The choices dictated by the present invention call for selecting *compatible modes* associated with *ends*, and do not directly dictate routing *paths* or methods *in the network*. Voit, on the other hand, dictates choices *within the network*, while the modes associated with the ends (i.e. voice calls) remain static.

Claims 1, 7, and 13 are allowable for at least the foregoing reasons. Claims 2, 3, 5, 6, 8, 9, 11, 12, 14-18, and 20 each recite limitations in addition to those in the independent claims, and these claims are believed allowable for at least the same reasons as given above.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

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PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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